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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 09/737,376  | 12/14/2000  | Garret Swart         | P4701                        | 1801             |
| 22830   | 7590        | 12/15/2005           |                              |                  |
| CARR & FERRELL LLP<br>2200 GENG ROAD<br>PALO ALTO, CA 94303 |             |                      | EXAMINER<br>SMITH, JEFFREY A |                  |
|   |             |                      | ART UNIT                     | PAPER NUMBER     |
|   |             |                      | 3625                         |                  |
| DATE MAILED: 12/15/2005                                     |             |                      |                              |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

***Amendement Non-responsive -- bona fide Attempt***

The timely submission under 37 CFR 1.129(a) filed on July 25, 2005 is not fully responsive to the prior Office action because:

it is not in compliance with 37 CFR 1.111(b) - (c).

It is noted that Applicant provided argument in support of these claims in the response filed January 13, 2003, however, the claims at that time (i.e. prior to the Amendment of July 25, 2005) were directed to an invention which was held to be patentably distinct from the invention as now presented (see Office correspondence mailed February 23, 2005). Accordingly, such argument is not directed to the invention as is currently claimed.

Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This

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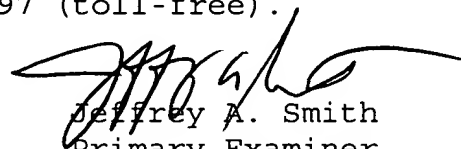
time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is (571) 272-6763. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Smith  
Primary Examiner  
Art Unit 3625

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